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MAILED

MAY 18 2011

OFFICE OF PETITIONS

In re Patent No. 6,305,697	:	
Issue Date: October 23, 2001	:	
Application No. 09/198,240	:	ON PETITION
Filed: November 23, 1998	:	
Attorney Docket No. TNPL028.002US1	:	

This is a decision on the petition under 37 CFR 1.378(c), filed April 11, 2011, to accept the delayed payment of a maintenance fee for the above-identified patent.

The petition is **DISMISSED**.

The patent issued October 23, 2001. The second maintenance fee could have been paid from October 23, 2008 through April 24, 2009, or with a \$65 surcharge during the period from April 24, 2009 through October 23, 2009. Accordingly, the patent expired at midnight April 26, 2009, for failure to timely submit, the (second) 7 ½ year maintenance fee.

A petition to accept the unintentionally delayed payment of a maintenance fee under 35 U.S.C. 41(c) and 37 CFR 1.378(c) must be accompanied by: (1) a statement that the delay was unintentional; (2) payment of the appropriate maintenance fee, unless previously submitted; (3) payment of the surcharge set forth in 37 CFR 1.20(i)(2). This petition lacks item (2) and (3) above.

A review of the record shows that while petitioner did give authorization to charge the petitioner's credit card, no credit card information was provided to cover the cost of the maintenance fee and surcharge. Therefore, the before a petition filed under 37 CFR 1.378(c) to accept the unintentionally delayed payment of the maintenance fee can be reviewed, the fee of \$1640 for the surcharge and the maintenance fee payment of \$1240 must be paid. No consideration on the merits can be given that petition until the required fees are received.

If reconsideration of this decision is desired, a petition for reconsideration under 37 CFR 1.378(e) must be filed within **TWO (2) MONTHS** from the mail date of this decision. **No extension of this two-month time limit can be granted under 37 CFR 1.136(a) or (b).** This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

Any petition for reconsideration of this decision must be accompanied by the petition fee of \$400 as set forth in 37 CFR 1.17(f). The petition for reconsideration must include the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.


Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
 Commissioner for Patents
 Post Office Box 1450
 Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
 Customer Service Window, Mail Stop Petitions
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

The centralized facsimile number is (571) 273-8300.

Telephone inquiries regarding this decision should be directed to undersigned at (571) 272-1642.


April M. Wise
Petitions Examiner
Office of Petitions